

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Robert Nelson Fowler, Sr.,)	C.A. No. 8:06-0763-CMC
)	
Plaintiff,)	
)	
v.)	OPINION and ORDER
)	
Tom Fox, Director;)	
Dr. FNU Hempp ¹ , Head Medical Nurse;)	
J. Rubin [sic] Long Detention Center,)	
)	
Defendants.)	
)	

This matter is before the court on Plaintiff's *pro se* complaint filed pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. Plaintiff alleges Defendants were deliberately indifferent to his medical needs.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Bruce Howe Hendricks for pre-trial proceedings and a Report and Recommendation. On January 16, 2007, the Magistrate Judge issued a Report recommending that Defendants' motion for summary judgment be granted. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Plaintiff filed objections to the Report on February 2, 2007.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo*

¹This Defendant is incorrectly identified as "Hemp"; however, the correct name of this defendant is "Hipp."

determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After reviewing the record of this matter, the applicable law, the Report and Recommendation of the Magistrate Judge, and Plaintiff's objections, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order. Plaintiff's objections fail to provide any legally sufficient reason to overcome the findings of the Magistrate Judge's Report or to defeat summary judgment. Plaintiff has failed to assert a viable cause of action under 42 U.S.C. § 1983.

IT IS THEREFORE ORDERED that Defendants' motion for summary judgment is granted and the federal causes of action are dismissed with prejudice. To the extent Plaintiff's complaint states any state law causes of action, these claims are dismissed **without prejudice**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON McGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
February 6, 2007